IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE CIVIL JURISDICTION

REVIEW PETITION NO.148 OF 2005
IN
WRIT PETITION NO.4230 OF 2005

Smt. Indira Senapati & Ors. .....Petitioners

Versus

R. L. Ramchandani .....Respondent

.....

Shri.Karim Vakil, S. N. Vaishnav i/b. M/s. N.N. Vaishnawa & Co. for the Petitioners

Shri.P.K. Dhakephalkar h/f Shri Jaydeep Deo for the Respondent

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CORAM : SMT. NISHITA MHATRE, J.

DATE : DECEMBER 13, 2005

P.C.

1. The order dated 17th October 2005 pased by me directs that the possession of the presmises will remain with the Petitioner during the pendency of the suit. It is pointed out in the Review Petition that the Small Causes Court had passed an order on 23rd December 2004 in which the parties had agreed that the notice taken out by the defendant should be made absolute but the operation of the order is to be stayed till 20th January 2005. The Court while accepting this position has decided the matter on merits and made notice absolute. The possession of the property was handed over to the Defendant. This order was not brought to my notice when

the order under review was passed. Therefore, the order dated 17th October 2005 is recalled.

2. Mr. Vakil appearing for the Review Petitioner makes a statement on instructions that the Review Petitioner will not insist on possession of the premises, pending admission of the petition.

3. Place the writ petition on board for admission on 16th January, 2006.